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Practitioner's Docket No. 469/132

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nashner, Lewis M.

Application No.: 10/668,680

Group No.: 2863

Filed: 9/23/2003

Examiner: Lau, Tung S.

For: Method and Apparatus for Reducing Errors in Screening-Test Administration

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or  
(2) a notice of allowance under § 1.311

whichever occurs first.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: April 13, 2005

Elizabeth P. Morano  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

04/20/2005 TBESHAM1 00000017 10668680 180.00 0P 01 FC:1806

### **FEE**

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

### **FEE PAYMENT**

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

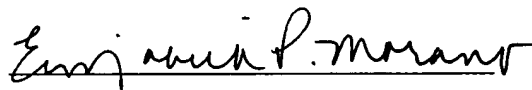
### **METHOD OF PAYMENT OF FEE**

4. Attached is a check in the amount of \$180.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

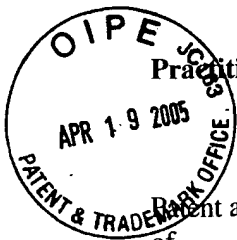
A duplicate of this paper is attached.

DATE: April 13, 2005



Elizabeth P. Morano  
Reg. No. 42,904  
BROMBERG & SUNSTEIN LLP  
Customer Number 02101  
125 Summer Street  
Boston, MA 02110-1618  
US

00469/00132 378119.1



Practitioner's Docket No. 469/132

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Practitioner's application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Lewis M. Nashner

Application No.: 10/668,680

Group No.: 2863

Filed: 9/23/2003

Examiner: Lau, Tung S.

For: Method and Apparatus for Reducing Errors in Screening-Test Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

(Information Disclosure Statement--page 1 of 7)

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;*

*Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

[x] deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

[X] with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

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**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

*Elizabeth P. Morano*

Elizabeth P. Morano

Date: April 13, 2005

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## INFORMATION DISCLOSURE STATEMENT

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

**NOTE:** The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☒ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

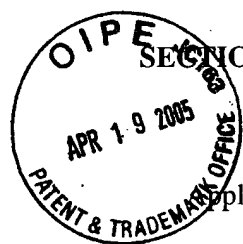
**NOTE :** "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Nashner, Lewis M. Attorney Docket: 469/132  
 Serial No: 10/668,680 Art Group Unit: 2863  
 Date Filed: 9/23/2003 Examiner Name: Lau, Tung S.  
 Invention: Method and apparatus for Reducing Errors in Screening-Test Administration

**LIST OF PATENTS AND PUBLICATIONS FOR  
 APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date/ Publication Date	Inventor	Class/Subclass
	AA	4,194,735	Mar. 25, 1980	Wilson	273/26
	AB	4,325,697	Apr. 20, 1982	Regan et al.	434/258
	AC	4,600,016	Jul. 15, 1986	Boyd et al.	128/782
	AD	4,774,679	Sep. 27, 1988	Carlin	364/550
	AE	4,830,024	May 16, 1989	Nashner et al.	128/787
	AF	5,052,406	Oct. 1, 1991	Nashner	128/782
	AG	5,303,715 A	Apr. 19, 1994	Nashner et al.	128/782
	AH	5,330,176	Jul. 19, 1994	Cagney, Jr.	273/26
	AI	5,406,956	Apr. 18, 1995	Farwell	128/731
	AJ	5,474,087 A	Dec. 12, 1995	Nashner	128/782
	AK	5,476,103	Dec. 19, 1995	Nashner et al.	128/782
	AL	5,269,318	Dec. 14, 1993	Nashner	128/782
	AM	5,551,445	Sep. 3, 1996	Nashner	128/782
	AN	5,623,944 A	Apr. 29, 1997	Nashner	128/779
	AO	5,657,256	Aug. 12, 1997	Swanson et al.	364/580
	AP	5,697,791 A	Dec. 16, 1997	Nashner et al.	434/247
	AQ	5,729,658	Mar. 17, 1998	Hou et al.	395/2.79
	AR	5,813,993	Sep. 29, 1998	Kaplan et al.	600/544
	AS	5,860,872	Jan. 19, 1999	Vitale	473/207
	AT	5,919,150	July 6, 1999	Zanakis et al.	600/595
	AU	5,980,429 A	Nov. 9, 1999	Nashner	482/8
	AV	6,010,465 A	Jan. 4, 2000	Nashner	600/595
	AW	6,102,818	Aug. 15, 2000	Hamilton	473/452
	AX	6,190,287 1	Feb. 20, 2001	Nashner	482/8
	AY	6,225,977 B1	May 1, 2001	Li	345/156
	AZ	6,632,158 B1	Oct. 14, 2003	Nashner	482/8
	BA	6,672,991 B2	Jan. 6, 2004	O'Malley	482/8
	BB	20020142887	Oct. 3, 2002	O'Malley	482/8

	BC	20040127337	Jul. 1, 2004	Nashner	482/100
	BD	20040015461	Jan. 22, 2004	Lo	706/25
	BE	20050043661 A1	Feb. 24, 2005	Nashner	602/26

#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
	BF		WO 00/25090	4 May 2000	EPIX, Inc.	

#### OTHER DOCUMENTS

Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	BG		International Search Report mailed on 6 March 2003 and prepared for International Application No. PCT/IB 02/04731 International Filing Date of 24 October 2002

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

☒ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**



**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

(c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

  
\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

Reg. No.: 42,904

\_\_\_\_\_  
Elizabeth P. Morano

Tel. No.: (617) 443-9292

\_\_\_\_\_  
125 Summer Street, 11<sup>th</sup> Floor  
P.O. Address

Customer No.: 002101

\_\_\_\_\_  
Boston, MA 02110

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